IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.46214-M of 2004
Date of Decision:- 8.1.2007

Amarjit Singh ....Petitioner(s)

through
Mr.A.P.Singh, Advocate

vs.

The State of Punjab ....Respondent(s)

through
Mr.J.S.Dhillon, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this petition is for quashing of *Kalandra* dated 7.7.2000 under Section 182 IPC registered against the petitioner at Police Station, Sherpur District Sangrur.

A brief reference to the relevant facts may be made. The petitioner was a complainant in case F.I.R.No.41 dated 8.5.2000 under Section 324/34 IPC which was registered in Police Station, Sherpur, against Bant Singh and others. The petitioner thereafter also filed a criminal complaint No.17 dated 14.6.2000 under Sections 326, 324, 323, 34 IPC read with Section 120-B IPC against Bant Singh and others.

In the backstage of the above-stated criminal litigation, there was a dispute in relation to ownership and possessory rights over a piece of land.

As the petitioner and the opposite party are residents of the same village, it appears that on intervention of the respectables and Panchayat of the village, a compromise took place between the parties on

26.7.2000. Pursuant thereto, the petitioner withdrew his criminal complaint. As regard to the above-mentioned criminal case registered by the police on the petitioner's complaint, though he appeared as a prosecution witness but did not depose against the accused persons so as to ensure their acquittal.

The aforesaid act of the petitioner has invited the impugned proceedings under Section 182 IPC against him.

In order to substantiate his contention that the deposition made by him as a prosecution witness was a result of compromise arrived at between the parties, the petitioner has placed on record a copy of the compromise deed dated 26.7.2000 (Annexure P-5). In addition to both the parties, the above-stated compromise appears to have been signed by the Sarpanch/Panches of the Gram Panchayat. Vide the said compromise, the dispute regarding the land was resolved and in furtherance thereto the parties agreed to withdraw litigations pending between them. The said compromise prompted the petitioner to withdraw his criminal complaint and further depose in favour of the accused persons in the State case.

In *stricto senso,* it may be true that the petitioner's deposition before the Court was consistent with his complaint which led to registration of the F.I.R. against the accused persons. However, the larger public interest lies in restoring or instillation of peace and harmony amongst the people to enable them to lead a social life full of cordial and humane relations. The acceptability of each other is most *sacrosanct* for a civilized society.

Before initiating proceedings under Section 182 I.P.C., it should always be ascertained as to whether or not the complainant had knowingly made a false complaint or his subsequent behaviour is consistent

with social order. In the present case, the original complaint made by the petitioner can not be assumed to be false merely because he changed version due to subsequent events nor can it be said to be a conscious attempt by him to give a false statement/information to the police authorities.

Consequently and having regard to the facts and circumstances of this case, this petition is allowed. The impugned proceedings initiated against the petitioner under Section 182 I.P.C. are hereby quashed.

January 08, 2007 **(SURYA KANT)**
poonam **JUDGE**